

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

George A. Palmer,	:	Case No. 1:08CV0965
	:	
Petitioner	:	Judge James S. Gwin
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Carl Anderson, Warden,	:	REPORT AND RECOMMENDED
	:	DECISION
Respondent	:	

On August 25, 2008 respondent moved to dismiss this pro se action in habeas corpus, 28 U.S.C. §2254, carrying a presumptive filing date of April 8, 2008, as barred by the one-year statute of limitations contained in 28 U.S.C. §2244(d).

The petitioner has not responded to this motion.

The conviction which is challenged in this action became final on March 16, 2005, almost three years before this action was filed. It is absolutely clear from the chronology of post-conviction events in the state courts set out in respondent's motion, some of which did toll the running of the one-year limitation period, that this action was instituted 179 days after the one-year limitation had expired. Considering that petitioner has not challenge the accuracy of that recitation this Court sees no useful purpose in repeating it.

It is recommended that respondent's motion be granted, and this action dismissed for want of timely filing.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: September 17, 2008

OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).